

The Honorable Richard A. Jones

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

STATE OF WASHINGTON; et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF  
STATE; et al.,

Defendants.

NO. 2:20-cv-00111-RAJ

ORDER GRANTING PLAINTIFF  
STATES' MOTION FOR SUMMARY  
JUDGMENT AND DENYING  
FEDERAL DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT

[PROPOSED]

This matter came before the Court on the parties' cross-motions for summary judgment. The Court has considered the cross-motions and all documents filed therewith, including declarations and exhibits attached thereto, the pleadings and the record in this case, and the arguments of counsel.

Being fully apprised of the matter, now, therefore, it is hereby ORDERED, ADJUDGED, and DECREED that the Federal Defendants' Motion for Summary Judgment is DENIED and the Plaintiff States' Motion for Summary Judgment is GRANTED.

It is further ORDERED, ADJUDGED, and DECREED that the State Department rule published at 85 Fed. Reg. 3819 (Jan. 23, 2020) (the "State Rule") is VACATED insofar as it

removes 3-D firearms files, as defined below, from the United States Munitions List.

The items at issue are “technical data related to 3D-printed firearms, including software and technology for the production of a firearm or firearm parts” (“3-D firearms files”). Dkt. # 54 (First Amended Complaint) ¶ 2.

For purposes of this Order, these terms are defined as follows:

- “Technical data related to 3D-printed firearms” are technical data, including but not limited to computer files in any format, including Computer Aided Design (CAD) and Computer Aided Manufacturing (CAM) formats such as STL, AMF, G-code, SLDPRT, and STP, that can be used as part of an additive or non-additive manufacturing process to produce any firearms or firearm parts using a 3D printer or other device, and that have heretofore been subject to the International Traffic in Arms Regulations (ITAR).
- “Software” has the same meaning as in 22 C.F.R. § 120.45: “Software includes but is not limited to the system functional design, logic flow, algorithms, application programs, operating systems, and support software for design, implementation, test, operation, diagnosis and repair.”
- “Technology” means information which is required for the design, development, production, manufacture, assembly, operation, repair, testing, maintenance or modification of firearms. This includes information in the form of blueprints, drawings, photographs, plans, instructions or documentation. *Cf.* 22 C.F.R. § 120.10.

It is SO ORDERED.

ISSUED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
THE HONORABLE RICHARD A. JONES

Presented by:

ROBERT W. FERGUSON  
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s/ Kristin Beneski  
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**DECLARATION OF SERVICE**

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court's CM/ECF System which will send notification of such filing to all counsel of record.

DATED this 19th day of February 2021, at Seattle, Washington.

s/ Kristin Beneski

KRISTIN BENESKI, WSBA #45478  
Assistant Attorney General